



## UNITED STATES DEPARTMENT OF THE INTERIOR

Office of the Secretary  
Firefighter/Law Enforcement Retirement Team  
300 E. Mallard Drive, Suite 170  
Boise, ID 83706

Date

### CERTIFIED MAIL

Name  
Street Address  
City, State, Zip Code

Dear XXXXXXXXX

**Reply Due: 35 days from issuance**

On February 20, 1997, you submitted an individual claim with the Department of the Interior for Firefighter/ Law Enforcement Officer (FF/LEO) retirement. Your claim is for service credit in past positions.

The service claimed did not meet the Department's filing deadline of November 1, 1995. That is, prior to 1995, the Department had been unable to focus on the Federal Employees Retirement System (FERS) claims, and allowed a one time window of opportunity for individuals under FERS to submit claims for coverage for service prior to November 1, 1995.

In addition, under the Federal Employees Retirement System (FERS) rules,

If an employee is in a position not subject to the one-half percent higher withholding rate of 5 U.S.C. § 8422(a)(2)(B), and the employee does not, within 6 months after entering the position or after any significant change in the position, formally and in writing seek a determination from the employing agency that his position is properly covered by the higher withholding rate, the agency head's determination that the service was not so covered at the time of the service is presumed to be correct. This presumption may be rebutted by a preponderance of the evidence that the employee was unaware of his or her status or was prevented by cause beyond his or her control from requesting that the official status be changed at the time the service was performed. 5 C.F.R. § 842.804(c).

Based upon an initial review of the information you provided in your claim for FF/LEO retirement, the following issues have been raised. We require clarification of these issues before we proceed with review of your claim.

1. Please describe any and all causes you consider to be beyond your control which prevented you from filing a claim with the Department of the Interior within the time limits as discussed in the above paragraphs (5 C.F.R. § 842.804(c)).
2. Please state the earliest date that you became aware that FF/LEO retirement existed, either officially or unofficially.
3. Please state the date you first inquired (either officially or unofficially) about FF/LEO retirement and to whom (name and title) you made the inquiry.
4. Did you ever submit a written claim to anyone within the Department of the Interior for FF/LEO retirement coverage prior to February 20, 1997? If yes, please state the date of your request, to whom it was made and provide a copy of your request.

5. At any time prior to the date that you filed your individual claim for FF/LEO retirement, did you know of any other individuals who filed claims for FF/LEO retirement and when they filed their claims? If yes, please state the names of the individuals, the titles of their positions at the time, the duty station(s) they were assigned at that time, and the dates they filed their written claims. Please also explain why you did not file a claim for FF/LEO retirement at the time you became aware that other employees were submitting claims.

6. Did you ever pay the extra one-half percent FF/LEO retirement contribution? If yes, please state the date(s) during which the extra one-half percent was withheld and your position title, grade and series at the time. Did you ever receive a refund of these contributions?

7. During this period did you receive a Leave and Earnings Statements detailing deductions from your pay? Do you routinely check your Leave and Earnings Statements and other Benefits Statements for accuracy?

8. Did you ever notice any error or discrepancies in the statements during this period? Have you ever had errors in your pay for which you requested corrections? If so, what was/were the outcome(s) of the correction(s)?

9. Have you ever felt your position descriptions were inaccurate? If so, did you ever request changes? If you did request changes, please indicate the date(s) of your request(s) and indicate which position(s), by title, series, grade and position number, you requested be changed.

The timeliness of your claim is an important issue. The Federal Employees Retirement System (FERS) FF/LEO retirement regulations are attached for your information. Title 5 of the Code of Federal Regulations Section 842.804 pertains to timeliness. An initial review of your claim has been done. At this time, the documentation in your claim does not support a waiver of the time limits for filing an individual claim. **You have 35 days from the date of this letter to provide a response or request an extension of time to respond.** If we do not receive a response from you within the specified time frame, a recommendation will be made on your claim based on what it currently contains. If you have any questions regarding this request, you may contact Ashanti Sloan, your claims examiner, in writing at the above address or by telephone at 208-334-1550.

Sincerely,

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Supervisory Program Analyst

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Date

Attachment: 5 C.F.R. § 842.801-809